IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4035 of 2004
Date of decision : 13.11.2006.

Mahabir Parshad

.....Petitioner.

Versus

Dungar

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Jaswant Jain,Advocate
for the petitioner.

Mr. N.S. Shekhawat, Advocate
for the respondent.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed on an application moved under Section 12 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 for effecting repair of the door and three batons of the roof of the tenanted premises.

The said application has been allowed by observing as under :-

> "It is made clear that he would not claim any benefit of it in the application moved by the landlord U/S 13 for his eviction from the tenanted premises on the ground that it has become unfit and unsafe for human habitation. The expenses of the aforesaid repair shall be liable to be deducted from the rent payable to the landlord. Application under Section 12 of the Act is disposed off

accordingly. However, this order is subject to the filing of the proper Court fee by the tenant on the application within fifteen days. Now to come up on 30.9.2004 for consideration on application for ad-interim injunction."

The reading of the order shows that the right of the petitioner to seek eviction of the respondent on the ground of building having become unsafe and unfit for human habitation have been duly protected. The learned counsel for the respondent has made a statement that he would not carry out any further repairs in the demised premises.

In view of this statement made by the learned counsel for the petitioner no further orders are called for and the revision petition is accordingly disposed of.

13.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**